IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 16460 of 2007(H)

PETITIONER:

ANTONY THOMAS, AGED 32 YEARS,
S/O.K.M.THOMAS, KANJIKARA VEEDU,
RAMANKARY MURI, RAMANKARY VILLAGE,
ALAPPUZHA DISTRICT.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE CHIEF SECRETARY,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE TAHASILDAR, KUTTANAD TALUK,**
   KUTTANAD.

3. **THE VILLAGE OFFICER, RAMANKARY VILLAGE,**
   ALAPPUZHA.

4. **RAMANKARY GRAMA PANCHAYATH,**
   REPRESENTED BY ITS SECRETARY,
   RAMANKARY, ALAPPUZHA.

BY GOVERNMENT PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007 ALONG WITH WPC NO. 16433 OF 2007 AND WPC NO. 16457 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NOs. 16460/2007,
16457/07 & 16433/07

DATED THIS THE 8th DAY OF JUNE, 2007

JUDGMENT

In these writ petitions, the petitioners are challenging proceedings under the Kerala Land Conservancy Act for evicting them from the property, which are subject matter of impugned notices. The contention of the petitioners is that the application for assignment of the land is pending and therefore until their applications for assignment are disposed of, further proceedings should be kept in abeyance.

2. The learned Government pleader submits that it is for the petitioners to raise all their contentions before the appropriate authority. After hearing both sides, I direct the 2nd respondent to consider the objections of the petitioners against the impugned notices, which shall be filed by the petitioners within one week from today, if not already filed. The 2nd respondent shall thereafter afford an opportunity of being heard to the petitioners with opportunity to produce documents and pass a speaking order before further proceedings initiated, which shall only be in accordance with the orders to be so passed. It would be open to the petitioners to contend before

the 2nd respondent that application for assignment of land by the petitioners are pending, which contentions shall also be considered by the 2nd respondent in accordance with law.

The writ petitions are disposed of as above.

S. SIRI JAGAN, JUDGE

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